

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAWN PEETZ,	)	
	)	
Plaintiff,	)	4:04CV3209
	)	
v.	)	
	)	
JOANN NOONAN and	)	MEMORANDUM AND ORDER
SIDNEY KEELAN,	)	
	)	
Defendants.	)	
	)	

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On August 9, 2005 I entered an order directing counsel to show cause by August 22, 2005 why sanctions should not be imposed on them for failing to file their Report of Planning Meeting. Filing 58. In response to that order counsel for defendant on August 9, 2005 filed a reply which states that defense counsel sent the report to plaintiff's counsel on June 7, 2005, but the report was not filed. Defendant's counsel apparently traced the report to plaintiff's counsel after the show cause order was entered. Filing 59. The report was then filed, over three months late. Filing 60. In the order setting the initial progression of the case, filing 61, I withdrew the show cause order as to the defendant only. Neither plaintiff nor plaintiff's counsel has responded to the show cause order.

From the record several things are apparent. First, neither counsel contacted the other about preparing and filing the report within 15 days following the ruling on the motion to dismiss, April 19, 2005, as ordered back in February. Filing 48. Second, plaintiff's counsel did not review and file the report in the days following June 7, 2005, and defendant's counsel did not check to see that it was filed. Third, apparently neither counsel reviewed their own files to verify that they were keeping current on the case. Fourth, when it was called to counsel's

attention that they had not complied with the court's order, defendant's counsel immediately responded, acknowledged fault, and apologized. Filing 59. Fifth, even though given until August 22 to do so, plaintiff's counsel has not responded to the show cause order nor requested an extension of time in which to do so.<sup>1</sup>

IT THEREFORE HEREBY IS ORDERED,

Plaintiff's counsel shall appear before the undersigned on Tuesday, September 20, 2005 at 11:00 a.m. to show cause, if any there be, why she should not be held in contempt of court or otherwise sanctioned for failing to obey an order of this court.

DATED this 13th day of September, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge

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<sup>1</sup> Defendants' counsel's response to the show cause order states that plaintiff's counsel's father died August 8, 2005. Such an emergency would obviously diminish the importance of responding to an order to show cause, even if counsel reviewed the order within a few days of its being filed, which may be unlikely in this case. In such circumstances the court has liberally granted extensions of time, even when the request has been made only by phone; however, no such request was received before the deadline of August 22, 2005, nor in the three weeks since.